

Vermont Department of Public Safety

Report to House and Senate Committees on Judiciary

Regarding Data in Compliance with H.501; Drug Recognition Experts

On or before November 1, 2015, the Department of Public Safety shall report to the Senate and House Committees on Judiciary on the use of drug recognition experts in cases involving operating a motor vehicle while under the influence of drugs. The report shall include the following:

- (1) the number of motor vehicle stops made by law enforcement in Vermont during the period of July 1, 2014 to June 30, 2015 and accidents that occurred during that period in which the operator of the vehicle was suspected of driving under the influence of drugs;
- (2) the number of times an operator of a motor vehicle involved in an accident or stopped by a law enforcement officer during the period of July 1, 2014 to June 30, 2015 was examined by a drug recognition expert and the number of times, after examination by the drug recognition expert that the operator was:
 - (A) charged with operating a motor vehicle under the influence of drugs;
 - (B) not charged with operating a motor vehicle under the influence of drugs; and
 - (C) convicted of operating a motor vehicle under the influence of drugs.

Background

The Vermont Drug Evaluation and Classification Program (DECP) has been in existence in the State of Vermont since 2005, when five Drug Recognition Experts (DRE) were trained and certified. The International Association of Chiefs of Police (IACP) with support of the National Highway Traffic Safety Administration (NHTSA) oversees the program. The Vermont Governor's Highway Safety Program administers and funds the Vermont DECP. GHSP appoints a state coordinator to oversee the program's operations.

The Vermont DECP currently maintains thirty-five certified DREs, who are certified law enforcement officers from state, county and municipal law enforcement agencies located throughout the State of Vermont.

The DECP has conducted over 1,050 enforcement evaluations since 2005.

Summary

Based on several state databases, the following information is provided:

(1) The number of motor vehicle stops made by law enforcement in Vermont during the period of July 1, 2014 to June 30, 2015 and accidents that occurred during that period in which the operator of the vehicle was suspected of driving under the influence of drugs;

There is no data collection mechanism at this time to track the number of times an operator was stopped by a law enforcement officer and suspected of driving under the influence of drugs.

Based upon crash data submitted to the State of Vermont Crash Repository, there were 201 operators suspected to be under the influence of medications / drugs / alcohol AND an operator either provided or refused a drug test.

	Crashes
Drug Only Present	13
Alcohol & Drug Both Present	39
Drug Test Refused	37
Alcohol OR Drug Test Refused	112

(Source: Vtrans; State Crash Repository; Mandy White.)

(2) The number of times an operator of a motor vehicle involved in an accident or stopped by a law enforcement officer during the period of July 1, 2014 to June 30, 2015 and was examined by a drug recognition expert and the number of times, after examination by the drug recognition expert that the operator was:

There were a total of 202 operators examined through a partial or full evaluation by a DRE during this period.

(Source: VSP; VT DECP Records)

(A) Charged with operating a motor vehicle under the influence of drugs;

There were 172 operators that were listed as being charged with DUI-drugs.

(B) Not charged with operating a motor vehicle under the influence of drugs;

30 operators were not charged with DUI – drugs (includes other charges, medical conditions and no impairment at the time of the evaluation where no charges were filed)

(C) Convicted of operating a motor vehicle under the influence of drugs;

76 cases resulted in convictions.

9 cases were dismissed.

87 cases are still pending adjudication or have not yet been filed with the court.

(Source: VT Judiciary; Sean Thomson)

Report Prepared by: Lt. John Flannigan, Vermont DECP state coordinator